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1. Transmittal Form (1 page); and
2. Appellant's Brief Under 37 CFR 41.10 (17 pages).


Yours truly,



W. David Sartor

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	Art Unit	2177
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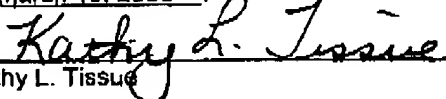
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)
	)
Applicants:	James Edward Schlabach <i>et al.</i> )
	)
Examiner:	Srirama T. Channavajjala )
	)
Serial No.:	09/839,024 )
	)
Filed:	04/20/2001 )
	)
Group Art:	2177 )
	)
Atty. Docket:	20-EB-4093/624226-305 )
	)
For:	Method For Training Service )
	Personnel to Service Selected )
	Equipment )
	)

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APPELLANT'S BRIEF UNDER 37 CFR 41.10

This brief is in furtherance of the Notice of Appeal filed in this application on September 8, 2004. Appellant's Brief was timely filed on November 8, 2004 and is being resubmitted herewith in response to Examiner's Notification of Non-compliant Appeal Brief dated February 23, 2005. Appellant believes that Item 5 of the Appeal Brief now complies with 37 CFR 41.37(c)(1)(v) as described in MPEP§1206. Item 5 has been specifically amended to include respective citations to the specification as requested in the foregoing Examiner's

Notification.

The fee set forth in 37 CFR 41.20(b)(2) was previously authorized to be charged to the assignee's Deposit Account in the original filing of Appellant's Brief dated November 8, 2004.

1. REAL PARTY IN INTEREST - 37 CFR 41.37(c)(1)(i)

The real party in interest in this Appeal is the assignee of the present application, General Electric Company, a corporation of the State of New York.

2. RELATED APPEALS AND INTERFERENCES - 37 CFR 41.37(c)(1)(ii)

There is no other appeal, interference or judicial proceeding that is related to or that will directly affect, or that will be directly affected by, or that will have a bearing on the Board's decision in this Appeal.

3. STATUS OF CLAIMS - 37 CFR 41.37(c)(1)(iii)

Claims cancelled: none.

Claims withdrawn but not cancelled: none.

Claims pending: 1-16.

Claims allowed: none.

Claims rejected: 1-16.

Claim rejections appealed: 1-16.

4. STATUS OF AMENDMENTS - 37 CFR 41.37(c)(1)(iv)

The proposed amendment submitted in response to the Final Office Action mailed on March 24, 2004 has been entered by the Examiner.

5. SUMMARY OF CLAIMED SUBJECT MATTER- 37 CFR 41.37(c)(1)(v)

This invention relates generally to training equipment service personnel, and more specifically, to on-demand training service of personnel servicing selected equipment, including while the service personnel are on a service site, to enable the service personnel to perform a service for which the service personnel would not otherwise be qualified to perform. See, for example,

paragraphs 89 and 90 of the publication document (US-2002-0026537-A1) for the present application. In that regard, training needed to fulfill a servicing task is identified and made available to the service personnel essentially on a real time basis, including just prior to performing the servicing task.

Independent claim 1 is directed to a computerized method for training service personnel to service selected equipment. An exemplary embodiment of the method is depicted in the flow chart shown in FIG. 9 and described in paragraph 90 of the publication document of the present invention. Claim 1 in part recites providing a database for storing training modules for training service personnel to service assemblies of selected equipment (e.g., equipment 202). Claim 1 further recites that in the event predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, one or more needed training modules are identified that, upon completion by the service personnel, will enable the service personnel to meet the predefined qualifications relative to that assembly (e.g., assembly 210). An input/output device is provided (e.g., device 212) for communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service (e.g., service as indicated at 214).

Independent claim 16 is directed to a computerized system for training service personnel to service select equipment. An exemplary embodiment of the system is depicted in FIG. 10 and described in paragraph 89 of the publication document of the present invention. Claim 16 in part recites a database (e.g., database 316) for storing training module(s) (e.g., module 315) for training service personnel to service respective assemblies of selected equipment and a processor (e.g., processor 312) configured to process the present qualifications of the service personnel and to determine whether or not on-site personnel are trained to service the select equipment. Claim 16 also recites a training identifier module (e.g., module 306) configured to identify one or more needed training modules in the database and an input/output device (e.g., input/output device 314) for communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service.

6. GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL -

37 CFR 41.37(c)(1)(vi)

A) Claims 1- 5 and 7-16 are rejected under 35 U.S.C. §102(e) as being anticipated by Li (U.S. Pat. No. 6,609,050).

B) Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Li (U.S. Pat. No. 6,609,050) in view of Hughes (U.S. Pat. No. 5,959,275 ).

7. APPENDICES

A copy of the claims 1-16 involved in this appeal is attached as a claims appendix under 37 CFR 41.37(c)(1)(viii). No evidence appendix under 37 CFR 41.37(c)(1)(xi) or related proceedings appendix under 37 CFR 41.37(c)(1)(x) is required.

8. ARGUMENT 37 CFR 41.37(c)(1)(vii)

A) Rejection of claims 1- 5 and 7-16 under 35 U.S.C. §102(e) as being anticipated by Li (U.S. Pat. No. 6,609,050).

The applicants argue that Li does not support a *prima facie* case of anticipation for claims 1- 5 and 7-16 because Li fails to teach each of the claimed elements. With regard to the rejections applied against claims 1- 5 and 7-16, it is applicants' intention that the rejected claims do not stand or fall together. Claims 1- 5 and 7-15 should be grouped together, while claim 16 should be grouped separately from claims 1- 5 and 7-15 for purposes of consideration in this rejection because claims 1- 5 and 7-15 are directed to a method for training service personnel to service select equipment, while claim 16 is directed to a computerized system for training service personnel to service selected equipment.

The test for establishing a *prima facie* case of anticipation under §102 "requires the presence in a single prior art reference of each and every element

of the claimed invention, arranged as in the claim." (Lindemann Maschinenfabrik GmbH v. American Holst and Derrick Co., 730 F.2d 1452, 221 USPQ 481,485 (Fed. Cir. 1984)). Furthermore, "there must be no difference between the claimed invention and the referenced disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic and Research Found. v. Genentech Inc., 927 F.2d 1565, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991)).

Absence from the reference disclosure of any claim element and/or operational interrelationship negates anticipation under §102.

A.1) With regard to claims 1-15, independent claim 1 is directed to a "computerized method comprising providing a database for storing respective training modules for training service personnel to service respective assemblies of selected equipment... in the event the predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, identifying one or more needed training modules in the database for storing training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly... and communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site." Claims 2-15 depend therefrom.

The Examiner relies on Li to reject claim 1 under 35 U.S.C. §102. Li is directed to a computer-based warranty and administration system. Li purports to overcome shortcomings associated with a service "write-up" process for administering vehicle warranty and repair, such as the collection of information by a service advisor from a consumer. Aspects of the write-up may involve an initial repair order, dispatching the work to a service technician, and communicating progress back to the customer. See, for example, Li, column 1, lines 46 through 61.

However, Li fails to describe all the elements or operational relationships of claim 1 as required to establish a *prima facie* case of anticipation under §102.

Li's system does not make any provisions for storing training modules in a database for training service personnel, nor does Li communicate any needed training modules from the database as recited in claim 1. In particular, Li fails to teach or suggest the specific operational relationship of "a database for storing training modules for training service personnel to service respective assemblies of selected equipment" as claimed in claim 1. The Examiner relies on Li, FIG. 4, showing a vehicle owner database 93, col. 4, line 56-67, and col. 5, line 1-5 as teaching this operational relationship. However, applicants submit that this passage of Li is merely directed to a vehicle owner database 93 and simply lists information such as vehicle ID, vehicle warranty type, vehicle date information and vehicle maintenance data. Nowhere from the reading and showing of the foregoing passage, nor anywhere else in Li, would one of ordinary skill in the art have any basis to conclude that the vehicle owner database 93 is used for "storing training modules for training service personnel to service respective assemblies of selected equipment" as recited in claim 1.

The Examiner further relies on Li col. 4, line 56-67 and col. 5, line 1-5, as teaching the operational relationship of "storing training modules," but this cited passage of Li describes a user skill determinator module 50 for determining a skill level for the user. It appears that the skill level information may be stored in a service dealer database 94 as shown in FIG. 3 of Li. However, such a user skill determinator module 50 and service dealer database 94 do not teach or suggest "storing training modules for training service personnel to service respective assemblies of selected equipment." In fact, none of the information that is stored in any of the databases described in Li, for example, as shown in FIGS. 1-6 and described in the specification of Li, constitutes "training modules for training service personnel to service respective assemblies of selected equipment." Li lacks any teaching or suggestion of "providing a database for storing respective training modules" as recited claim 1.

Li also fails to teach or suggest the claimed operational relationship of "in the event the predefined qualifications for servicing the assemble are unmet by the present qualification of the service provider, identifying one or more needed



training modules in the database for storing training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly.” The Examiner relies on Li, FIG. 3, col. 3, line 23-31, and col. 4, line 26-29 to teach the foregoing operational relationship. FIG. 3 of Li shows a repair processing module 40 that includes a warranty analysis module 41, a service dealer selector module 42, a scheduler module 43, a technician selector module 44 and a vehicle loan module 45. However, none of these modules performs any action that correspond to “identifying one or more needed training modules...that upon completion by the service personnel, would enable the service personnel to meet the predefined qualifications relative to that assembly.” Accordingly, Li fails to teach or suggest this operational relationship of claim 1.

Furthermore, Li also fails to teach or suggest the claimed operational relationship of “communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site.” The Examiner relies on Li, col. 7 lines 42-54 and col. 4, lines 38-40 and lines 46-53 as teaching this feature. However, Li does not include any such teaching or suggestion, but rather Li at col. 7 lines 42-54 just teaches that a service associate (i.e., the service advisor) can use a user interface to indicate a type of damage and a location of damage on the vehicle. This has nothing to do with communicating training modules to service personnel set to perform the service.

Similarly, col. 4 lines 38-40 and col. 4 lines 46-53 of Li appear to describe details regarding the service dealer database 94 and a technician selector module 44. However, such a technician selector module 44 does not teach or suggest any communicating of training modules that may be needed by the technician to overcome repair skill deficiencies while enabling the technician to remain on-site. Notably, Li recognizes that his system is not designed to deliver any training modules to technicians when Li’s system specifically recommends that the technician be sent to a training program to learn additional repair skills.

See Li, column 3, lines 29 through 30. Consequently, in sharp contrast to the method recited in claim 1, Li does not deliver a training program to the technician, but rather, in Li, the technician has to be sent to a training program beyond the reach of system 10. See Li, column 3, lines 29 through 30. This is very different from the operational relationships recited in claim 1, where the service personnel will receive, essentially on real time basis, the needed training modules from the database without having to disengage from the servicing activity, and enroll in and attend a training program as suggested by Li, which likely requires that the service personnel travel to another location. These activities could represent a significant delay and cost not only in terms of lost personnel time, but also lost equipment availability for return to service. Li appears to teach away from these aspects of the present invention in that Li merely recommends what is conventionally done when someone lacks a skill. The present invention, metaphorically speaking, brings the school on the spot to the technician so that the technician can fulfill the servicing task. Thus, one key advantage of the present invention is just not taught or suggested by Li.

As described in the above paragraphs, Li fails to anticipate the structural and/or operational relationships set forth in claim 1. Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown in as complete detail as contained in the ...claim." (*In re Bond*, 910 F.2d 831, 15USPQ2d 1566 (Fed. Cir. 1990)). Accordingly, Li fails to anticipate claim 1.

Thus, the rejection of claims 1-15 under 35 U.S.C. §102(e) is not supported by the cited art and should be withdrawn.

A.2) With regard to claim 16, independent claim 1 is directed to a "computerized system comprising a database for storing respective training modules for training service personnel to service respective assemblies of selected equipment; an identifier module configured to identify an assembly of equipment that requires servicing at a service site, said module further configured to identify the present qualifications of a service personnel available at the service site for servicing the assembly; a processor configured to process the present qualifications of the service personnel to predefined qualifications

needed to service that assembly to determine whether or not the present qualifications of the service personnel meet said predefined requirements; in the event the predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, a training identifier configured to identify one or more needed training modules in the database for storing training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly; and an input/output device provided to the service personnel for communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site."

The Examiner relies on Li to reject claim 16 under 35 U.S.C. §102. Li is directed to a computer-based warranty and administration system. Li purports to overcome shortcomings associated with a service "write-up" process for administering vehicle warranty and repair, such as the collection of information by a service advisor from a consumer. Aspects of the write-up may involve initial repair order, dispatching the work to a service technician, communicating progress back to the customer. See, for example, Li, column 1, lines 46 through 61.

However, Li fails to describe all the elements or operational relationships of claim 16 as required to establish a *prima facie* case of anticipation under §102. Li's system does not make any provisions a database for storing training modules for training service personnel, nor does Li teach or suggest an input/output device provided for communicating any needed training modules from the database as recited in claim 16. In particular, Li fails to teach or suggest the claimed element of "a database for storing training modules for training service personnel to service respective assemblies of selected equipment" as recited in claim 16. The Examiner relies on Li, FIG. 4, showing a vehicle owner database 93, col. 4, line 56-67, and col. 5, line 1-5, as teaching this operational relationship. However, applicants submit that this passage of Li is merely

directed to a vehicle owner database 93 and simply lists information such as vehicle ID, vehicle warranty type, vehicle date information and vehicle maintenance data. Nowhere from the reading and showing of the foregoing passage, nor anywhere else in Li, can one conclude that the vehicle owner database 93 is used for "storing training modules for training service personnel to service respective assemblies of selected equipment" as recited in claim 16.

The Examiner further relies on Li col. 4, line 56-67 and col. 5, line 1-5, as teaching the element of a "database for storing training modules," but this cited passage of Li describes a user skill determinator module 50 for determining a skill level for the user. It appears that the skill level information may be stored in a service dealer database 94 as shown in FIG. 3 of Li. However, such a user skill determinator module 50 and service dealer database 94 do not teach or suggest "a database for storing training modules for training service personnel to service respective assemblies of selected equipment." In fact, none of the information that is stored in any of the databases described in Li, for example, as shown in FIGS. 1-6 and described in the specification of Li, constitutes "training modules for training service personnel to service respective assemblies of selected equipment." Li lacks any teaching or suggestion with regard to "database for storing respective training modules" as recited claim 16.

Li also fails to teach or suggest the claimed element of "in the event the predefined qualifications for servicing the assembly are unmet by the present qualification of the service provider, a training identifier configured to identify one or more needed training modules in the database for storing training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly." The Examiner relies on Li, FIG. 3, col. 3, line 23-31, and col. 4, line 26-29 to teach the foregoing operational relationship. FIG. 3 of Li shows a repair processing module 40 that includes a warranty analysis module 41, a service dealer selector module 42, a scheduler module 43, a technician selector module 44 and a vehicle loan module 45. However, none of these modules is a training identifier configured to identify one or more needed training modules...upon completion by

the service personnel, would enable the service personnel to meet the predefined qualifications relative to that assembly." Accordingly, Li fails to teach or suggest this operational relationship of claim 16.

Furthermore, Li also fails to teach or suggest the claimed element of "an input/output device provided...for communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site." The Examiner relies on Li, col. 7 lines 42-54 and col. 4, lines 38-40 and lines 46-53 as teaching this feature. However, Li does not include any such teaching or suggestion, but rather Li at col. 7 lines 42-54 just teaches that a service associate (i.e., the service advisor) can use a user interface to indicate type of damage and damage location on the vehicle. This has nothing to do with communicating training modules to service personnel set to perform the service.

Similarly, col. 4 lines 38-40 and col. 4 lines 46-53 of Li appear to describe details regarding the service dealer database 94 and a technician selector module 44. However, such a technician selector module 44 does not teach or suggest any communicating of training modules that may be needed by the technician to overcome repair skill deficiencies while enabling the technician to remain on-site. Notably, Li recognizes that his system is not designed to deliver any training modules to technicians when Li's system specifically recommends that the technician be sent to a training program to learn additional repair skills. See Li, column 3, lines 29 through 30. Consequently, in sharp contrast to the method recited in claim 1, Li does not deliver a training program to the technician, but rather, in Li, the technician has to be sent to a training program beyond the reach of system 10. See Li, column 3, lines 29 through 30. This is completely different to the operational relationships recited in claim 1 where the service personnel will receive, essentially on real time basis, the needed training modules from the database without having to disengage from the servicing activity, and enroll in and attend a training program as suggested by Li, which likely requires that the service personnel travel to another location. These

activities could represent a significant delay and cost not only in terms of lost personnel time, but also lost equipment availability for return to service. Li appears to teach away from these aspects of the present invention in that Li merely recommends what is conventionally done when someone lacks a skill. The present invention, metaphorically speaking, brings the school on the spot to the technician so that the technician can fulfill the servicing task. Thus, one key advantage of the present invention is just not taught or suggested by Li.

As described in the above paragraphs, Li fails to show the structure and/or operational relationships as set forth in claim 16. Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown in as complete detail as contained in the ...claim." (*In re Bond*, 910 F.2d 831, 15USPQ2d 1566 (Fed. Cir. 1990)). Accordingly, Li fails to anticipate claim 16.

Thus, the rejection of claim 16 under 35 U.S.C. §102(e) is not supported by the cited art and should be withdrawn.

B) Rejection of claim 6 under 35 U.S.C. §103(a) as being unpatentable over Li (U.S. Pat. No. 6,609,050) in view of Hughes (U.S. Pat. No. 5,959,275 ).

The applicants argue that the cited combination of Li and Hughes does not render claim 6 *prima facie* obvious as required under MPEP 2142 because there is no motivation to combine the references in the manner suggested by the Examiner to arrive at the claimed invention. MPEP 2143.01 provides that the mere fact that references can be combined or modified in hindsight does not render that resultant combination obvious. Rather, the prior art must also suggest the desirability of the combination (*In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)).

The Examiner recognizes that Li fails to disclose "communications between the [training] database and the input/output device is done via wireless communications" as recited in claim 6. The Examiner relies on Hughes as teaching communicating with a remote device over a radio link. Essentially, Hughes fails to remedy the shortcomings of Li, discussed above in Section A.1).

Furthermore, Hughes is directed to a system for registering and tracking network equipment at a circuit card level. See Hughes, Abstract, col. 2, lines 47-48. Nowhere does Hughes teach or suggest communicating "training modules" via wireless communications as recited in claim 1 and dependent claim 6. Consequently, there can be no teaching or suggestion to combine the radio link of Hughes in the system of the Li patent to arrive at the present invention. MPEP 2143.01 provides: The mere fact that references can be combined or modified in hindsight does not render that resultant combination obvious. Rather, the prior art must also suggest the desirability of the combination (*In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)). Accordingly, because Li and Hughes, whether considered individually or in combination, fail to teach or suggest a method for training service personnel that includes communicating training modules via wireless communications, the Examiner has failed to establish a case for *prima facie* obviousness.

Thus, the rejection of claim 6 under U.S.C. §103(a) is not supported by the art and should be withdrawn.

Respectfully submitted,



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**CLAIMS APPENDIX****37 CFR 41.37(c)(1)(viii)**

1. A computerized method for training service personnel to service selected equipment while the service personnel is on-site adjacent the equipment to perform a service for which the service personnel may not yet be qualified to perform, said method comprising:

providing a database for storing respective training modules for training service personnel to service respective assemblies of selected equipment;

identifying an assembly of equipment that requires servicing at the site;

identifying the present qualifications of a service personnel available at the service site for servicing the assembly;

correlating the present qualifications of the service personnel to predefined qualifications needed to service that assembly to determine whether or not the present qualifications of the service personnel meet said predefined requirements;

in the event the predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, identifying one or more needed training modules in the database for storing training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly;

providing an input/output device to the service personnel; and

communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site.

2. The method of claim 1 wherein the present qualifications of service personnel available at the service site for servicing the assembly are stored in the database.



3. The method of claim 1 wherein the predefined qualifications needed to service the assembly to be serviced is stored in the database.

4. The method of claim 1 further comprising communicating the successful completion of training by the service personnel back to the database and updating the database.

5. The method of claim 1 wherein the database does not recognize the equipment as having been serviced until the needed training module has been successfully completed.

6. The method of claim 1 wherein the communications between the database and the input/output device is done via wireless communications.

7. The method of claim 1 wherein the service personnel is present at the service site when the training modules are communicated and training is performed.

8. The method of claim 1 wherein the training module is downloaded to the input/output device.

9. The method of claim 1 wherein the input/output device (314) interfaces with the training module while the training module is resident in the database.

10. The method of claim 1 wherein the training module comprises a multimedia training module.

11. The method of claim 1 wherein the database is configured to deliver, upon request of a service provider, background information regarding other assemblies interrelated to an assembly being serviced.

12. The method of claim 1 wherein the training module includes a list of tools used to perform services for a given assembly.

13. The method of claim 1 wherein each training module is updated to reflect changes in the predefined requirements for servicing a respective assembly.

14. The method of claim 1 wherein the database is configured to automatically schedule refresher training as may be required to maintain the present qualifications of a service provider.

15. The method of claim 1 wherein each training module includes a set of questions configured to elicit responses indicative of whether a service provider has mastered the training objectives set forth therein.

16. A computerized system for training service personnel to service selected equipment while the service personnel is on-site adjacent the equipment to perform a service for which the service personnel may not yet be qualified to perform, said system comprising:

a database for storing respective training modules for training service personnel to service respective assemblies of selected equipment;

an identifier module configured to identify an assembly of equipment that requires servicing at a service site, said module further configured to identify the present qualifications of a service personnel available at the service site for servicing the assembly;

a processor configured to process the present qualifications of the service personnel to predefined qualifications needed to service that assembly to determine whether or not the present qualifications of the service personnel meet said predefined requirements;

in the event the predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, a training identifier configured to identify one or more needed training modules in the database for storing training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly; and

an input/output device provided to the service personnel for communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site.

\*end\*